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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,889	01/03/2002	Carter Benson McCamy	4031-2	9626

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EXAMINER

HOEY, BETSEY MORRISON

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,889

Applicant(s)

MCCAMY, CARTER BENSON

Examiner

HOEY, BETSEY

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1 and 21 is/are rejected.
- 7) ☒ Claim(s) 2-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites the limitation "the pH control system" in line 4, but there is insufficient antecedent basis for this limitation in the claim.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Carriero, U.S. Patent No. 5,885,463. Carriero teaches a pH control system comprising a pH meter for measuring the pH of a liquid to be treated; a tank for a solution, such as an acid solution; a valve for supplying the solution to a tank containing the liquid to be treated; wherein the system is enclosed in a box, or housing. The valve for supplying an acid solution to a tank containing liquid to be treated is patentably indistinguishable from the acid discharge unit recited in instant claim 1.
5. Claims 2-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claim 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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7. Claims 13-20, 22 and 23 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: Claim 2 would be allowed if rewritten in independent form, because the prior art of record fails to teach, disclose, or fairly suggest a water treatment system comprising a pH control system including a pH probe disposed in a waste stream, *outside* of a housing containing an acid discharge unit and at least part of the pH control system, in combination with all of the other limitations of claims 1 and 2. It is submitted that the pH control system of Carriero includes a pH meter *within* a box (housing) surrounding the control system and acid solution supply valve.

Claims 3-9 would be allowed if rewritten in independent form, because the prior art of record fails to teach, disclose, or fairly suggest a water treatment system comprising a storage unit storing a supply of dry acid, in combination with all of the other limitations of claims 1 and 3. It is submitted that the pH control system of Carriero includes a *solution* of acid, and does not suggest a *dry* acid storage unit.

Claims 10-12 would be allowed if rewritten in independent form, because the prior art of record fails to teach, disclose, or fairly suggest a water treatment system comprising a mixing tank downstream of a housing, wherein the housing contains an acid discharge unit and at least part of a pH control system, and the mixing tank provides an area for acidic materials to mix with the waste stream, in combination with all of the other limitations of claims 1 and 10. It is submitted that the system of Carriero does not suggest a mixing tank downstream of its box (housing) containing the pH control system and valve for supplying acid solution.

Claims 13-20 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a method for treating a waste stream comprising detecting a pH level of the waste stream, coupling a storage of dry acid with an acid discharge unit, activating and deactivating the acid discharge unit according to the pH of the waste stream, and containing the acid discharge unit and at least part of the pH control system within a housing. It is submitted that the pH control process of Carriero includes a step of supplying a *solution* of acid, and does not suggest coupling a *dry* acid storage with an acid discharge unit.

Claim 21 would be allowed if rewritten to overcome the 112 rejection, because the prior art of record fails to teach, disclose, or fairly suggest a pH level reduction system for concrete plant discharge comprising means for detecting pH of the plant discharge; an acid discharge unit; a pH control system, wherein the acid discharge unit is activated and deactivated by the pH level; and a housing containing the acid discharge unit and at least part of the pH control system.

Claims 22 and 23 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a pH level reduction system for a waste stream comprising a pH control system, a pH probe disposed in the waste stream, an acid discharge unit, a source of dry acid, a wet acid feeding mechanism and a dry acid feeding mechanism, wherein the pH control system includes a controller communicating with the pH probe for activating and deactivating the acid discharge unit in a feedback control loop, and a weatherproof housing containing the acid discharge unit and controller.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is **(571) 272-1158**. The examiner can normally be reached on Tuesdays and Thursdays from 7:00 AM to 3:30 PM. The examiner's supervisor, Mr. Blaine Copenheaver, may be reached at (571) 272-1156. Any inquiry of general nature may be directed to the Group receptionist at (571) 272-0987. The centralized fax number for the Group is (703) 872-9306. The examiner Rightfax number is (571) 273-1158.



BETSEY MORRISON HOEY
PRIMARY EXAMINER

April 2, 2004